

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JAMES EVERETT SHELTON**

Plaintiff,

v.

**FAST ADVANCE FUNDING LLC**

Defendant.

Case No. 2:18-cv-02071-CFK

Honorable Chad F. Kenney

**REO LAW, LLC**

By: Bryan Anthony Reo

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Mentor, OH 44061

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*Attorney for James Everett Shelton*

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**PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S UNAUTHORIZED SUR REPLY  
BRIEF DOCKET ENTRY 47**

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Plaintiff, by and through the undersigned attorney, hereby makes this motion pursuant to F.R.C.P 12(f) on the basis that the Defendant has filed, on 4/22/2019, an unauthorized Sur Reply Brief which it has captioned RESPONSE in Opposition re 40 MOTION in Limine. This brief was filed on an already fully briefed Motion in Limine, and the Defendant has filed this brief contrary to the established briefing schedule set by the scheduling order issued by this Court.

Defendant already filed one brief in opposition to the Motion in Limine on 4/15/2019, entry #43, and now seeks to file another one, 4/22/2019 entry #47. This despite the fact that the scheduling order issued on 12/21/2018 provides that Motions in Limine are due by April 8, 2019 and all responses shall be filed and served within seven (7) days after service of any such motion.

Defendant is attempting to bog down the proceedings with a high volume of unauthorized and untimely filings which are being filed contrary to the scheduling order that was issued and controls this case. The Plaintiff filed two motions in limine, Defendant opted to oppose only the one, Plaintiff filed a reply brief, and now Defendant has filed an additional [and unauthorized] brief

The Court should therefore enter an order striking Defendant's 4/22/2019 Response Brief, which is clearly an unauthorized Sur Reply brief to a motion which has already been fully briefed, from the record, and proceed without further delay.

Further this Court should consider entering a sanction against Defendant for filing briefs contrary to the scheduling order without first attempting to seek leave of Court and without even requesting a stipulated consent from Plaintiff's Counsel, thus putting Plaintiff's Counsel in the position of having to utilize his time and having to burden this Court this the present motion, which Plaintiff's Counsel did not hope or desire to have to file.

A proposed order accompanies this motion.

RESPECTFULLY SUBMITTED,

/s/ BRYAN ANTHONY REO

**REO LAW LLC**

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*Attorney for Plaintiff James Everett Shelton*

## Certificate of Service

I, Bryan Anthony Reo, do hereby certify and affirm that a true and accurate copy of the foregoing document was submitted to the Court's Electronic Filing System on April 22, 2019, which should serve said document upon all attorneys of record for the instant civil action:

/s/ BRYAN ANTHONY REO

**REO LAW LLC**

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*Attorney for Plaintiff James Shelton*

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*Attorney for James Everett Shelton*

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**PROPOSED ORDER GRANTING PLAINTIFF'S MOTION TO STRIKE  
DEFENDANT'S UNAUTHORIZED SUR REPLY BRIEF DOCKET ENTRY 47**

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THIS MATTER came to be considered by the Court pursuant to the Plaintiff's Motion to Strike Defendant's Unauthorized Sur Reply Brief Docket Entry 47 filed by Plaintiff in the above-captioned cause. The Court having considered the Motion and being fully advised of the premises, it is, therefore,

ORDERED and ADJUDGED:

1. That Plaintiff's Motion to Strike Defendant's Unauthorized Sur Reply Brief Docket Entry 47, is hereby granted.
2. The Defendant's unauthorized sur reply brief, docket #47 is hereby stricken as of the date of the entry of this order.

DONE AND ORDERED in Chambers at Philadelphia, Pennsylvania this \_\_\_\_ day of \_\_\_\_\_, 2019.

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CHAD F. KENNEY, JUDGE UNITED STATES DISTRICT COURT EASTERN  
DISTRICT OF PENNSYLVANIA

Copies to:

Bryan Anthony Reo

John Hartley